

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

BAYER HEALTHCARE LLC,

Plaintiff,

Case No. 08-C-0953

vs.

NORBROOK LABORATORIES, LTD
and NORBROOK, INC. USA,

Defendants.

**PLAINTIFF'S MOTION TO DISMISS DEFENDANTS' INVALIDITY
COUNTERCLAIM AND TO STRIKE DEFENDANTS' INVALIDITY DEFENSE**

Plaintiff, Bayer Healthcare LLC ("Bayer"), by its counsel, hereby moves the Court for an Order dismissing Count IV of Defendants' Counterclaim (Dkt. 12, ¶ 59) under Fed. R. Civ. P. Rule 12(b)(6) and striking Defendants' Fourth Affirmative Defense (Dkt. 12, ¶ 37) under Fed. R. Civ. P. Rule 12(f). Norbrook failed to plead both the counterclaim and the defense with requisite specificity.

The bases for this motion are set forth in the Brief and exhibits filed herewith.

Dated this 22nd day of December, 2008.

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